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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/855,183	05/14/2001	Ron J. Vandergeest	10500.00.8172	8194

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VEDDER PRICE KAUFMAN & KAMMHOLZ
222 N. LASALLE STREET
CHICAGO, IL 60601

EXAMINER

HA, LEYNNA A

ART UNIT	PAPER NUMBER
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2135

MAIL DATE	DELIVERY MODE
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02/04/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/855,183

Applicant(s)

VANDERGEEST ET AL.

Examiner

LEYNNA T. HA

Art Unit

2135

—The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

THE REPLY FILED 14 January 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, ~~the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.~~
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: 1-5 and 10-15.
Claim(s) objected to: _____.
Claim(s) rejected: 8 and 9.
Claim(s) withdrawn from consideration: 6, 7, 16 and 17.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

Continuation of 11. does NOT place the application in condition for allowance because: Claims 8-9 remains rejected under 35 U.S.C. 103(a) as being unpatentable over Schmitz (US 6,078,908) in view of Dahlen, et al. (US 6, 813, 726).

Examiner traverses the argument on pg.8, regarding the claim is not directed to the parallel execution of commands but actually the sequential return of an authentication code back to an authentication unit after the authentication code was retransmitted by the same authentication unit to an intermediate destination unit.

However, the method of claim 8 recites for providing user authentication comprising sending, receiving, and in response to receiving returning the authentication code. The method of claim 8 does neither suggest nor can reasonably be given as sequential return of an authentication code. The claimed invention discloses the user identification data is sent by a first unit to an authentication unit. But broadly suggests, the receiving a retransmitted authentication code and in response to the receiving, returns the authentication code to the authentication unit, can be from any unit. Since, the claimed re-transmitted authentication code and returning the authentication code was not specified for which unit, thus, can reasonably be given as a mere basic transmission of authentication code from one unit to another (i.e. first, second, intermediate, authentication) unit. As such the receiving is considered as an authentication code that was "re-transmitted" from another unit where that authentication code was received from another unit. As for returning the authentication code to the authentication unit broadly be interpreted as just a receiving end since the received re-transmitted code was not specified which unit is doing the returning.

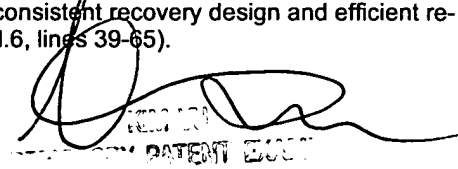
As for applying art, Schmitz discloses a receiver 3 or 4 is referring to the claimed intermediate unit, the authorization computer 2 refers to the claimed authentication unit, the data input apparatus is the first unit (col.4, lines 1-2), and the transaction authorization number TAN refers to claimed authentication code (col.6, lines 57-59). Schmitz teaches separate transmission paths between the data input apparatus and the authorization computer on the other hand, and between the authorization computer and the receiver unit on the other hand (col.4, lines 1-5). Further, Schmitz discloses the authorization computer generates a transaction signal such as the transaction authorization number TAN or comparable password to send to the receiver along a separate transmission path (col.8, lines 25-29). Schmitz provide the transmission path for receiving the authentication code by the receiver (intermediate destination unit) from the authorization computer (col.8, lines 25-29). Thus, obviously re-transmits by furnishing the (same) TAN to the data input apparatus on another path (col.7, lines 60-64).

Dahlen discloses the invention of at least one coupling facility is coupled to one or more other coupling facilities using one or more peer connections (col.6, lines 33-35) referred to as primary coupling facility and secondary coupling facility. The peer ISC link can transmit both primary message commands and secondary message commands in either direction. This may be physically represented by either two unidirectional links, one with a sender channel on the primary coupling facility and a receiver channel on the second coupling facility, and the second link oppositely configured (col.8, lines 3-13). Dahlen discloses duplexing of the structures is performed in a manner that is transparent to the users of the structures where the user is unaware that the structure and thus the command are duplexed. Dahlen disclose high-availability design of coupling facility structures is provided by duplexing a desired structure in two separate coupling facilities. This design improves on the recovery times and impacts of existing recovery techniques, while also provides for a consistent recovery design across various structure types (col.6, lines 39-50). Further, Dahlen discloses the duplexing provides for parallel execution of the commands and for efficient re-execution of the commands on congested links (col.6, lines 60-65). The claimed in response to the receiving of the re-transmitted code, returning the authentication code reads on Dahlen's parallel execution of commands (col.6, lines 60-65). For these commands obviously instructs where the re-transmission of the code and the returning of the code is to which is to guide the re-transmitted or returning of the authentication code to/from different units.

Therefore, it would have been obvious for a person of ordinary skills in the art to combine the teaching of Schmitz with Dahlen to teach in response to the re-transmitted authentication code, returning the authentication code to the authentication unit because the parallel execution of commands and duplexing in separate coupling facilities using one or more peer connections transparent to a user provides consistent recovery design and efficient re-execution of the commands on congested links where the user is unaware (see Dahlen on col.6, lines 39-65).

Independent claim 8 do not recite all the allowable subject matter as disclosed in claims 1, 10, and 13. Claim 8 broadly recites sending user identification data to an authentication unit, receiving the retransmitted code, and in addition in response to receiving the re-transmitted authentication code from the intermediate destination unit, returning the authentication code to the authentication unit. Claim 8 does not limit to the multiple transmissions of data on particular different channels that is transparent to the user in addition to returning the authentication code to the authentication unit. Therefore, claim 8 recites some similar limitations to claims 1, 10, and 13, however, does not have all the combined elements that made claims 1, 10, and 13 allowable.

Claim 8 recites in response to the re-transmitted authentication code, returning the authentication code to the authentication unit. The re-transmitted code is returned reads on Dahlen's parallel execution of commands (col.6, lines 60-65) because the commands obviously instructs where the re-transmission of the code and the returning of the code is to go or to guide the re-transmitted or returning of the authentication code to/from different units. Dahlen discloses duplexing of the structures is performed in a manner that is transparent to the users of the structures where the user is unaware that the structure and thus the command are duplexed. Dahlen disclose high-availability design of coupling facility structures is provided by duplexing a desired structure in two separate coupling facilities. Further, Dahlen discloses the duplexing provides for parallel execution of the commands and for efficient re-execution of the commands on congested links (col.6, lines 60-65). Therefore, it would have been obvious Dahlen provides consistent recovery design and efficient re-execution of the commands on congested links where the user is unaware (see Dahlen on col.6, lines 39-65).

A handwritten signature in black ink is written over a rectangular stamp. The stamp contains the text "RECEIVED" at the top, "PATENT" in the middle, and "UNITED STATES" at the bottom. The signature is a cursive-style name, possibly "D. J. [unclear]".